

DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FILED

OCT 30 2007

CHRIS R. JOHNSON, CLERK

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

OCT 15 2007

FILED  
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: PILGRIM'S PRIDE FAIR LABOR STANDARDS  
ACT LITIGATION

MDL No. 1832

TRANSFER ORDER

**Before the entire Panel:** Pilgrim's Pride Corp. (Pilgrim's Pride), now the lone defendant in the three Eastern District of Pennsylvania actions listed on Schedule A, brought this motion pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001). Pilgrim's Pride asks the Panel to vacate its order conditionally transferring the actions to the Western District of Arkansas for inclusion in MDL No. 1832. Plaintiffs in these actions, which are now consolidated, oppose the motion to vacate.

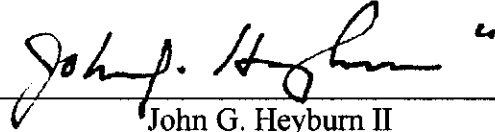
After considering all argument of counsel, we find that these actions involve common questions of fact with the actions in this litigation previously transferred to the Western District of Arkansas, and that transfer of these actions to the Western District of Arkansas for inclusion in MDL No. 1832 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. We further find that transfer of these actions is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Western District of Arkansas was a proper Section 1407 forum for actions sharing questions of fact arising from allegations that certain employees of Pilgrim's Pride are entitled to compensation under the Fair Labor Standards Act for, among other things, time spent donning, doffing and sanitizing gear. *See In re Pilgrim's Pride Fair Labor Standards Act Litigation*, 489 F.Supp.2d 1381 (J.P.M.L. 2007).

Pilgrim's Pride argues, *inter alia*, that transfer would be inefficient given the advanced stage of these actions vis-a-vis the actions in MDL No. 1832. We find this argument unpersuasive. Sufficient pretrial proceedings appear to remain in the present actions such that transfer will provide some efficiencies; indeed, transfer will foster integration into whatever remains to be accomplished, to the overall benefit of the entire litigation.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Western District of Arkansas and, with the consent of that court, assigned to the Honorable Harry F. Barnes for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

- 2 -

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, appearing to read "John G. Heyburn II", is written over a horizontal line.

John G. Heyburn II  
Chairman

D. Lowell Jensen  
Robert L. Miller, Jr.  
David R. Hansen

J. Frederick Motz  
Kathryn H. Vratil  
Anthony J. Scirica

**IN RE: PILGRIM'S PRIDE FAIR LABOR STANDARDS  
ACT LITIGATION**

MDL No. 1832

**SCHEDULE A**

Eastern District of Pennsylvania

Juan Garcia, et al. v. Pilgrim's Pride Corp., C.A. No. 2:06-710

Esperanza Moya, et al. v. Pilgrim's Pride Corp., et al., C.A. No. 2:06-1249

Juan Garcia, et al. v. Pilgrim's Pride Corp., C.A. No. 2:06-3201